

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIMBERLY PLETCHER, et al.,)	
)	Case No. 2:20-cv-00754-NBF
Consolidated Plaintiffs,)	
)	
v.)	
)	
GIANT EAGLE, INC., C&J GROCERY)	
CO., LLC, and MATT FACCENDA,)	
)	
Defendants.)	

DEFENDANTS' SECOND MOTION FOR SANCTIONS

Pursuant to Federal Rule of Civil Procedure 37, Defendants (collectively “Giant Eagle”) move for an order sanctioning 12 recently deposed Plaintiffs. These Plaintiffs have acknowledged that they either failed to search for and preserve responsive materials, failed to timely produce significant responsive materials, withheld information about wearing face coverings for significant periods of time (on flights or to shop at Giant Eagle), or all three of these things. One of the Plaintiffs purposefully destroyed his phone days before a third-party vendor could collect the data from it. The Court already sanctioned two Plaintiffs for this kind of misconduct. *See* Order (ECF 100) (adopting the Special Master’s recommendations); Special Master Recommendations (ECF 99) at 12 (recommending sanctions against Vidovich “for her failure to timely produce responsive social media posts, videos of her encounters at Giant Eagle and her notes of conversations with Giant Eagle officials”), 26 (recommending sanctions against Zytnick because “the law requires that at least a ‘reasonable search’ be performed as opposed to no search at all”).

Accordingly, as explained in the accompanying brief in support, Giant Eagle seeks sanctions against Plaintiffs Brannigan, Dollar, Harnish, Wynkoop, Conley, Palladino, Coulson, Burton, McRae, Shirk, Stevanus, and Ree. A proposed order is attached.

Dated: April 13, 2022

Respectfully submitted,

/s/ Jeremy D. Engle

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2022, a true and correct copy of the foregoing was electronically filed and served via operation of the Court's CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record entitled to notice who are registered users of ECF.

/s/ Jeremy D. Engle
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